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Human rights situations that require the Council's attention

Written statement* submitted by Mouvement contre le Racisme et pour l'Amitié entre les Peuples (MRAP), a non- governmental organization on the roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[9 May 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Discrimination against the Kurdish minority in the Islamic Republic of Iran

The electoral process

The Islamic Republic of Iran's population is composed of several national and religious minorities. Theoretically, the Iranian Constitution formally provides for the fair treatment of its minorities. In relation to the election process, the Iranian constitution discriminates explicitly the majority of its population, namely non-Persians nationals, no Shia religious minorities as well as women.

Article 12 of the Constitution states: "the official religion of Iran is Islam and the Twelve Ja'fari School of Thought and this principle shall remain eternally immutable". Article 115 of the Iranian Constitution excludes explicitly non-Shias as well as women from holding the office of the Presidency of the Republic. Under the current Constitution, candidates for the office of President must be "political-religious men" and faithful believers in the "foundation of the Islamic Republic of Iran and official religion of the country". The Iranian Constitution deprives citizens who hold political opinions contrary to that of the Islamic Republic of Iran and the country's official religion of the right to stand for President. No Women and no Kurd or from other no Shia national minorities candidate has been approved by the Guardian Council in the 34 years of the Islamic Republic of Iran. Therefore this explicit endorsement of a school of Shia Islam alienates the Kurds, Turkmen, Baloch, and Ahwaz, who practice Sunni Islam. Tehran has a population of 1 million Sunni Muslims, but planning permission for a Sunni mosque has yet to be granted. However, the General Comment on article 25 is clear that "political opinion may not be used as a ground to deprive any person of the right to stand for election".

According to the Declaration Criteria for Free and Fair Elections¹, to which Iran is signatory, «Everyone has the right to take part in the government of their country and shall have an equal opportunity to become a candidate for election. The criteria for participation in government shall be determined in accordance with national constitutions and laws and shall not be inconsistent with the State's international obligations.» According to the mentioned Declaration, the State has the responsibility to provide for the formation and free functioning of political parties, possibly regulate the funding of political parties and electoral campaigns, ensure the separation of party and State, and establish the conditions for competition in legislative elections on an equitable basis.

Because of legal restrictions, today no Kurdish political party can have activities inside Iran and all Kurdish political parties are declared illegal inside and outside Iran. Therefore the Kurdish political parties have no possibility to present candidates and no real Kurdish candidate will have the chance to be qualified by the Guardian Council, the organ that accredits the eligibility or not of the candidates.

The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, in its report² presented to the 22nd session of the Human Rights Council, expressed the concern regarding restrictions on the presidential in Iran, and recalled the article 25 of the International Covenant on Civil and Political Rights (ICCPR) which "recognizes and

¹ Unanimously adopted by the Inter-Parliamentary Council at its 154th session - (Paris, 26 March 1994)

² A/HRC/22/56

protects the right of every citizen to take part in the conduct of public affairs, the right to vote and to be elected and the right to have access to public service.”

Public humiliation

Having asserted their fundamental socio-cultural rights, the 12 million Kurdish people in Iran were always treated with mistrust, marginalized and discriminated against. Even more, the Iranian government is failing in its duty to prevent discrimination and human rights abuses against Kurds living in Iran. The human rights violation is daily based in Iranian Kurdistan.

The most recent case was on April 2013, when a judge in one of Iran’s Kurdish provinces punished an individual by forcing him to wear the feminine traditional Kurdish outfit in public in a bid to humiliate him.

According to a statement³ by three civil society groups active in the city of Mariwan, a dispute between two families that landed in the court found one of the parties guilty and the presiding judge ordered the man to be dressed in red Kurdish feminine dress in public and was forced to walk the city streets. A day following this disgraceful act, hundreds of Kurdish women in the city of Marivan marched to protest the decision they described as a disgraceful act by the court and the presiding judge. “This means of punishment is degrading to women in general and specifically Kurdish women,” quoting one of the protesters.

Persecution of Kolbars

The number of Kolbars (people carrying goods on their back) killed and wounded by the Iranian security apparatus is constantly raising. Since 2011, around 182 Kollbars have been killed or injured along the borders of Kurdish regions in the Islamic Republic of Iran. These people often live in the border area between Iranian and Iraqi Kurdistan. These regions live below the poverty line and Kollbar trade is their main source to earn a living, but this kind of trade is not tolerated by the Iranian authorities.

Death penalty

The growing number of executions in Iran is alarming. Yet hundreds of Kurdish political and civic activists, among them Mohammad Sadiq Kabudvend are in Iranian prisons sentenced to death and the scope of capital sentences in the Islamic Republic of Iran is broad. Dozens of Kurdish political and civil prisoners have been sentenced to death, without proper legal representation, in connection with their alleged membership of and activities for Kurdish proscribed organizations; they are actually on death row.

In particular, we wish to draw the attention of the Human Rights Council’s Members on the case of:

- Sami Hosseini
- Jamal Mohammadi
- Rashid Akhkandi
- Rostam Arkia

³ <http://www.kurdpa.net/index.php?besh=dreje&id=9561>

- AnvarRostami
- MostafaSalimi
- Mohammad Amin Abdollahi
- Ghader (or Aziz) Mohammadzadeh
- HasanTalai, HabibollahGolparipour
- Abdollah Sorouri
- Loghman (or Loqman) Moradi
- ZaniarMoradi, (who was only 17 when arrested).

Recommendations

MRAP calls on the Islamic Republic of Iran:

- to abide by its international obligations and notably to respect the fundamental human rights of the minorities;
- to implement, without delay, the recommendations expressed by the treaty Bodies as well as those expressed by UN Member States in the framework of the Universal periodic review and accepted by the Government;
- to halt arbitrary detentions of ethnic and religious minority activists and cease torture and forced confessions and to investigate cases of torture and eradicate impunity for such acts;
- to allow all detainees access to legal advice;
- to end the „securitization“ and persecution of ethnic cultural organizations;
- to declare a moratorium on capital executions.
- to halt arbitrary detentions of ethnic and religious minority activists and cease torture and forced confessions as guaranteed in the Universal Declaration of Human Rights;
- to investigate cases of torture and human rights abuses based on ethnicity or religion and eradicate impunity for such acts.
- MRAP calls on the following special procedures:
- the Independent expert on minority issues,
- the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment,
- the Special Rapporteur on the rights to freedom of peaceful assembly and of association and
- the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
- to closely monitor, in the framework of their respective mandates, the violations of the fundamental freedoms and rights of the Kurdish minority in the Islamic Republic of Iran.